

# Customs Bulletin

Regulations, Rulings, Decisions, and Notices  
concerning Customs and related matters



## and Decisions

of the United States Court of Appeals for  
the Federal Circuit and the United  
States Court of International Trade

Vol. 16

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DECEMBER 22, 1982

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No. 51

*This issue contains*

U.S. Customs Service

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THE DEPARTMENT OF THE TREASURY  
U.S. Customs Service

### **NOTICE**

The abstracts, rulings, and notices which are issued weekly by the U.S. Customs Service are subject to correction for typographical or other printing errors. Users may notify the U.S. Customs Service, Logistics Management Division, Washington, D.C. 20229, of any such errors in order that corrections may be made before the bound volumes are published.

# U.S. Customs Service

## *Treasury Decisions*

(T.D. 82-228)

### Bonds

Approval and discontinuance of Carrier's Bonds, Customs Form 3587

Bonds of carriers for the transportation of bonded merchandise have been approved or discontinued as shown below. The symbol "D" indicates that the bond previously outstanding has been discontinued on the month, day, and year represented by the figures which follow. "PB" refers to a previous bond, dated as represented by figures in parentheses immediately following, which has been discontinued. If the previous bond was in the name of a different company or if the surety was different, the information is shown in a footnote at the end of the list.

Dated: December 1, 1982.

Name of principal and surety	Date of bond	Date of approval	Filed with district director/area director/amount
Air Express International Corp. (A DE Corp.) and its sub: Surface Freight Corp., Air Express International Agency, Inc., Air Express International Airlines Inc., Air Express International U.S.A., Inc.; air freight forwarder; American Motorists Ins. Co. (PB 3/21/80) D 9/27/82 <sup>1</sup>	Sept. 20, 1982	Sept. 27, 1982	New York Seaport \$300,000
Arrow Express, Inc., 2043 Airport Dr., Austin Straubel Field, Green Bay, WI; motor carrier; U.S. Fidelity & Guaranty Co.	Aug. 17, 1982	Oct. 14, 1982	Milwaukee, WI \$25,000
Carolina Western Express, Inc., P.O. Box 3995, Gastonia, NC; motor carrier; Lawyers Surety Corp.	Sept. 30, 1982	Oct. 18, 1982	Wilmington, NC \$25,000
Emery Air Freight Corp. & its sub: Emery Distributions Systems, Inc., Old Danbury Rd., Wilton, CT; air freight forwarder; American Casualty Co. of Reading, PA	Sept. 30, 1982	Oct. 12, 1982	New York Seaport \$200,000

Name of principal and surety	Date of bond	Date of approval	Filed with district director/area director/amount
Equipos de Borinquen, Inc., GPO Box 2534, San Juan, PR; motor carrier; Puerto Rican-American Ins. Co.	Feb. 19, 1982	Mar. 25, 1982	San Juan, PR \$25,000
F.B. Truck Line Co., 1945 S. Redwood Rd., Salt Lake City, UT; motor carrier; National Union Fire Ins. Co. of Pittsburgh, PA	Sept. 29, 1982	Oct. 15, 1982	San Francisco, CA \$25,000
Gemini Transport, P.O. Box 10565, Jefferson, LA; motor carrier; Allied Fidelity Ins. Co.	Aug. 10, 1982	Sept. 9, 1982	New Orleans, LA \$25,000
Joe Lee Gilbert, dba: Gilbert International Warehouses, 2820 Davis Ave., Laredo, TX; motor carrier; National Surety Corp. (PB 10/4/77) D 10/12/82	Aug. 11, 1982	Oct. 12, 1982	Laredo, TX \$25,000
Gold Seal Transport, 1939 E. Carson St., Carson, CA; motor carrier; St. Paul Fire & Marine Ins. Co.	Oct. 11, 1982	Oct. 13, 1982	Los Angeles, CA \$50,000
Hambel Freight Lines, 4965 S. Howell Ave., Milwaukee, WI; motor carrier; Fidelity & Deposit Co. of MD D 10/14/82	Mar. 27, 1980	May 2, 1980	Milwaukee, WI \$25,000
Inter Trans Corp., P.O. Box 11, Bakersfield, VT; air carrier; St. Paul Fire & Marine Ins. Co. D 9/30/82	Sept. 30, 1981	Oct. 15, 1981	St. Albans, VT \$25,000
Land Trucking Co., Inc., P.O. Box 2620, Jacksonville, FL; motor carrier; U.S. Fidelity & Guaranty Co.	Sept. 24, 1982	Oct. 8, 1982	Tampa, FL \$25,000
Mc-Mor-Han Trucking Co., Inc., P.O. Box 368, Schullsburg, WI; motor carrier; The Aetna Casualty & Surety Co.	Sept. 22, 1982	Oct. 14, 1982	Milwaukee, WI \$100,000
Oceanic Shipping Co. of Georgia, P.O. Box 9667, Savannah, GA; motor carrier; Federal Ins. Co.	Sept. 2, 1982	Sept. 2, 1982	Miami, FL \$50,000
Petro-Chemical Transport, Inc., P.O. Box 1399, Victoria, TX; motor carrier; Fidelity & Deposit Co. of MD D 10/19/82	Mar. 19, 1980	Mar. 25, 1980	Laredo, TX \$25,000
Wayne Phillips, P.O. Box 648, Pharr, TX; motor carrier; Fidelity & Deposit Co. of MD (PB 11/1/79) D 10/14/82	Nov. 1, 1981	Oct. 14, 1982	Laredo, TX \$25,000
Red Top Trucking Co., Inc., 7020 Cline Ave., Hammond, IN; motor carrier; Travelers Indemnity Co. D 10/19/82	Jan. 15, 1975	Feb. 7, 1975	Chicago, Ill. \$50,000
Rocky Mountain High Express Co., 5758 Lamar St., Arvada, CO; motor contract carrier; St. Paul Fire & Marine Ins. Co. D 9/30/82	Nov. 21, 1980	Jan. 22, 1981	El Paso, TX \$25,000

Name of principal and surety	Date of bond	Date of approval	Filed with district director/area director/amount
S.S.T. Air Freight Inc., P.O. Box 9002, Lester, PA; motor carrier; St. Paul Fire & Marine Ins. Co.	Sept. 7, 1982	Oct. 4, 1982	Phila, PA \$25,000
Sea Transport, Inc., 215 S.W. 17th Ave., Suite 310, Miami, FL; motor carrier; Allied Fidelity Ins. Co.	July 22, 1982	July 22, 1982	Miami, FL \$25,000
Sherwood Hume Transportation Ltd., 141 Healey Rd., P.O. Box 644, Bolton, Ontario, Canada; motor carrier; Hartford Fire Ins. Co. D 9/29/82	Oct. 8, 1980	June 8, 1981	Buffalo, NY \$25,000
Southern Transfer, Inc., 1322 N.W. 78th Ave., Miami, FL; motor carrier; St. Paul Fire & Marine Ins. Co.	Aug. 10, 1982	Aug. 10, 1982	Miami, FL \$25,000
Sprucewood Co., 7313 King George Hwy, Surrey, B.C., Canada; motor carrier; St. Paul Fire & Marine Ins. Co.	Sept. 27, 1982	Oct. 18, 1982	Seattle, WA \$25,000
Surface Freight Corp.—See Air Express International Corp. B.C. Taylor (Individual), 19th St. Bypass, San Angelo, TX; motor carrier; Peerless Ins. Co. D 10/19/82	Oct. 26, 1972	Apr. 26, 1973	Laredo, TX \$25,000
Texas International Airlines, Inc., P.O. Box 12788, Houston, TX; air carrier; Travelers Indemnity Co. D 9/14/82	July 3, 1975	Aug. 25, 1975	Houston, TX \$25,000
Trail Air Freight, 313 E. Baltimore, Detroit, MI; motor carrier; The Ohio Casualty Ins. Co.	Oct. 6, 1982	Oct. 12, 1982	Detroit, MI \$50,000
Transport Normand Larocque Inc., 4200 St. Patrick, Montreal, Quebec, Canada; motor carrier; The Continental Ins. Co.	Sept. 17, 1982	Oct. 15, 1982	St. Albans, VT \$25,000
Watson Trucking Service, Inc., 2917 Bypass Rd., Tampa, FL; motor carrier; St. Paul Fire & Marine Ins. Co.	Oct. 8, 1982	Oct. 21, 1982	Tampa, FL \$25,000
West Coast Produce Co., 1500 S. Zarzamora, San Antonio, TX; motor carrier; The Aetna Casualty & Surety Co. D 10/20/82	Aug. 26, 1974	Sept. 11, 1974	Laredo, TX \$25,000
E. K. Whittaker Transport, 310 Franklin St., Box 95, Boston, MA; motor carrier; Washington International Ins. Co.	June 10, 1982	Oct. 15, 1982	Boston, MA \$25,000

<sup>1</sup>Principal is Air Express International Corp. (an IL Corp.) and its sub: Air Express International Airlines Inc.

BON-3-03

MARILYN G. MORRISON,  
*Director,*  
*Carriers, Drawback and Bonds Division.*

(T.D. 82-229)

# Foreign Currencies—Daily Rates for Countries Not on Quarterly List

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 USC 372 (c)), has certified buying rates for the dates and foreign currencies shown below. The rates of exchange, based on these buying rates, are published for the information and use of Customs officers and others concerned pursuant to Part 159, Subpart C, Customs Regulations (19 CFR 159, Subpart C).

Argentina peso:	
November 1-5, 1982.....	\$0.000026
Chile peso:	
November 1-4, 1982.....	\$0.014695
November 5, 1982.....	.014648
Colombia peso:	
November 1-3, 1982.....	\$0.014784
November 4, 1982.....	.014806
November 5, 1982.....	.014747
Greece drachma:	
November 1-2, 1982.....	\$0.013755
November 3, 1982.....	.013784
November 4, 1982.....	.013661
November 5, 1982.....	.013671
Indonesia rupiah:	
November 1-5, 1982.....	\$0.001478
Israel shekel:	
November 1-2, 1982.....	\$0.032637
November 3, 1982.....	.032404
November 4, 1982.....	.032185
November 5, 1982.....	.032103
Peru sol:	
November 1-4, 1982.....	\$0.001174
November 5, 1982.....	.001154
South Korea won:	
November 1-2, 1982.....	\$0.001342
November 3-4, 1982.....	.001340
November 5, 1982.....	.001341

(LIQ-03-01 O:C:E)

Dated: November 5, 1982.

ANGELA DeGAETANO,  
*Chief,*  
*Customs Information Exchange.*

(T.D. 82-230)

## Foreign Currencies—Daily Rates for Countries Not on Quarterly List

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 USC 372(c)), has certified buying rates for the dates and foreign currencies shown below. The rates of exchange, based on these buying rates, are published for the information and use of Customs officers and others concerned pursuant to Part 159, Subpart C, Customs Regulations (19 CFR 159, Subpart C).

Argentina peso:	
November 8-12, 1982.....	\$0.000026
Chile peso:	
November 8-11, 1982.....	\$0.014648
November 12, 1982.....	.014493
Colombia peso:	
November 8-11, 1982.....	\$0.014747
November 12, 1982.....	.014671
Greece drachma:	
November 8, 1982.....	\$0.013569
November 9, 1982.....	.013578
November 10-11, 1982.....	.013643
November 12, 1982.....	.013559
Indonesia rupiah:	
November 8-11, 1982.....	\$0.001478
November 12, 1982.....	.001463
Israel shekel:	
November 8, 1982.....	\$0.032092
November 9, 1982.....	.031969
November 10-11, 1982.....	.031888
November 12, 1982.....	.031959
Peru sol:	
November 8-11, 1982.....	\$0.001154
November 12, 1982.....	.001139
South Korea won:	
November 8-12, 1982.....	\$0.003141

(LIQ-03-01 O:C:E)

Dated: November 12, 1982.

ANGELA DeGAETANO,  
*Chief,*  
*Customs Information Exchange.*

(T.D. 82-231)

**Foreign Currencies—Daily Rates for Countries Not on Quarterly  
List**

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 USC 372(c)), has certified buying rates for the dates and foreign currencies shown below. The rates of exchange, based on these buying rates, are published for the information and use of Customs officers and others concerned pursuant to Part 159, Subpart C, Customs Regulations (19 CFR 159, Subpart C).

Argentina peso:	
November 15-19, 1982.....	\$0.000026
Chile peso:	
November 15-18, 1982.....	\$0.014493
November 19, 1982.....	.014337
Colombia peso:	
November 15-18, 1982.....	\$0.014671
November 19, 1982.....	.014596
Greece drachma:	
November 15, 1982.....	\$0.013559
November 16, 1982.....	.013643
November 17, 1982.....	.013699
November 18, 1982.....	.013699
November 19, 1982.....	.013784
Indonesia rupiah:	
November 15-19, 1982.....	\$0.001463
Israel shekel:	
November 15-16, 1982.....	\$0.031786
November 17-19, 1982.....	.031807
Peru sol:	
November 15-18, 1982.....	\$0.001139
November 19, 1982.....	.001122
South Korea won:	
November 15-19, 1982.....	\$0.001341

(LIQ-03-01 O:C:E)

Dated: November 19, 1982.

ANGELA DeGAETANO,  
Chief,  
Customs Information Exchange.



(T.D. 82-232)

## Foreign Currencies—Daily Rates for Countries Not on Quarterly List

The Federal Reserve Bank of New York, pursuant to Section 522(c), Tariff Act of 1930, as amended (31 USC 372(c)), has certified buying rates for the dates and foreign currencies shown below. The rates of exchange, based on these buying rates, are published for the information and use of Customs officers and others concerned pursuant to Part 159, Subpart C, Customs Regulations (19 CFR 159, Subpart C).

Argentina peso:	
November 22-26, 1982.....	\$0.000026
Chile peso:	
November 22-23, 1982.....	\$0.014337
November 24-26, 1982.....	.014261
Colombia peso:	
November 22-23, 1982.....	\$0.014596
November 24-26, 1982.....	.014556
Greece drachma:	
November 22, 1982.....	\$0.013812
November 23, 1982.....	.013717
November 24-25, 1982.....	.013803
November 26, 1982.....	.013765
Indonesia rupiah:	
November 22-26, 1982.....	\$0.001463
Israel shekel:	
November 22-23, 1982.....	\$0.031807
November 24-26, 1982.....	.031596
Peru sol:	
November 22-23, 1982.....	\$0.001122
November 24-26, 1982.....	.001109
South Korea won:	
November 22-26, 1982.....	\$0.001341

(LIQ-03-01 O:C:E)

Dated: November 26, 1982.

ANGELA DeGAETANO,  
*Chief,*  
*Customs Information Exchange.*

(T.D. 82-233)

Foreign Currencies—Daily Rates for Countries Not on Quarterly  
List

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 USC 372(c)), has certified buying rates for the dates and foreign currencies shown below. The rates of exchange, based on these buying rates, are published for the information and use of Customs officers and others concerned pursuant to Part 159, Subpart C, Customs Regulations (19 CFR 159, Subpart C).

Argentina peso:	
November 29-30, 1982.....	\$0.000026
Chile peso:	
November 29-30, 1982.....	\$0.014261
Colombia peso:	
November 29, 1982.....	\$0.014556
November 30, 1982.....	.014566
Greece drachma:	
November 29, 1982.....	\$0.013986
November 30, 1982.....	.014006
Indonesia rupiah:	
November 29-30, 1982.....	\$0.001463
Israel shekel:	
November 29-30, 1982.....	\$0.031596
Peru sol:	
November 29-30, 1982.....	\$0.001109
South Korea won:	
November 29-30, 1982.....	\$0.001341

(LIQ-03-01 O:C:E)

Dated: November 30, 1982.

ANGELA DeGAETANO,  
Chief,  
Customs Information Exchange.

(T.D. 82-234)

## Foreign Currencies—Variances From Quarterly Rate

The following rates of exchange are based upon rates certified to the Secretary of the Treasury by the Federal Reserve Bank of New York, pursuant to Section 522(C), Tariff Act of 1930, as amended (31 USC 372(c)), and reflect variances of 5 per centum or more from the quarterly rate published in Treasury Decision 82-189 for the following countries. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following rates.

November 2, 1982, Holiday, use rates for November 1, 1982

## Brazil cruzeiro:

November 1-4, 1982.....	\$0:004510
November 5, 1982.....	.004432

## Finland markka:

November 1, 1982.....	\$0.181242
November 3, 1982.....	.181422
November 4, 1982.....	.180554
November 5, 1982.....	.180375

## Hong Kong dollar:

November 1, 1982.....	\$0.146413
November 4, 1982.....	.149477

## Mexico peso:

November 3, 1982.....	\$0.008000
November 4, 1982.....	.007692
November 5, 1982.....	.007576

## Sweden krona:

November 1, 1982.....	\$0.134544
November 3, 1982.....	.134138
November 4, 1982.....	.133422
November 5, 1982.....	.133289

(LIQ-03-01 O:C:E)

Dated: November 5, 1982.

ANGELA DeGAETANO,

*Chief,**Customs Information Exchange.*

(T.D. 82-235)

## Foreign Currencies—Variances From Quarterly Rate

The following rates of exchange are based upon rates certified to the Secretary of the Treasury by the Federal Reserve Bank of New York, pursuant to Section 522(C), Tariff Act of 1930, as amended (31 USC 372(c)), and reflect variances of 5 per centum or more from the quarterly rate published in Treasury Decision 82-189 for the following countries. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following rates.

November 11, 1982, Holiday, use rates for November 10, 1982

## Brazil cruzeiros:

November 8-12, 1982..... \$0.004432

## Finland markka:

November 8, 1982..... \$0.179711

November 9, 1982..... .180002

November 10-11, 1982..... .180881

November 12, 1982..... .179953

## Hong Kong dollar:

November 8, 1982..... \$0.147929

## Mexico peso:

November 8, 1982..... \$0.007692

November 9, 1982..... .007752

November 10-11, 1982..... .008000

November 12, 1982..... .007813

## Norway krone:

November 8, 1982..... \$0.136286

## Spain peseta:

November 12, 1982..... \$0.008319

## Sweden krona:

November 8, 1982..... \$0.132494

November 9, 1982..... .132758

November 10-11, 1982..... .132846

November 12, 1982..... .132494

(LIQ-03-01 O:C:E)

Dated: November 12, 1982.

ANGELA DeGAETANO,  
Chief,  
Customs Information Exchange.

## (T.D. 82-236)

## Foreign Currencies—Variances From Quarterly Rate

The following rates of exchange are based upon rates certified to the Secretary of the Treasury by the Federal Reserve Bank of New York, pursuant to Section 522(C), Tariff Act of 1930, as amended (31 USC 372(c)), and reflect variances of 5 per centum or more from the quarterly rate published in Treasury Decision 82-189 for the following countries. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following rates.

Brazil cruzeiro:	
November 15-18, 1982.....	\$0.004432
November 19, 1982.....	.004281
Finland markka:	
November 15, 1982.....	\$0.179824
November 16, 1982.....	.180343
November 17, 1982.....	.180408
November 18, 1982.....	.180131
November 19, 1982.....	.181012
Hong Kong dollar:	
November 15-16, 1982.....	\$0.149254
Mexico peso:	
November 15, 1982.....	\$0.007813
November 16, 1982.....	.007407
November 17, 1982.....	.007407
November 18, 1982.....	.007143
November 19, 1982.....	.007407
Spain peseta:	
November 15, 1982.....	\$0.008295
November 16, 1982.....	.008319
Sweden krona:	
November 15, 1982.....	\$0.132363
November 16, 1982.....	.132538
November 17, 1982.....	.132013
November 18, 1982.....	.132013
November 19, 1982.....	.133120
United Kingdom pound:	
November 17, 1982.....	\$1.6015
November 18, 1982.....	1.6030

(LIQ-03-01 O:C:E)

Dated: November 19, 1982.

ANGELA DEGAETANO,  
*Chief,*  
*Customs Information Exchange.*

(T.D. 82-237)

## Foreign Currencies—Variances From Quarterly Rate

The following rates of exchange are based upon rates certified to the Secretary of the Treasury by the Federal Reserve Bank of New York, pursuant to Section 522(C), Tariff Act of 1930, as amended (31 USC 372(c)), and reflect variances of 5 per centum or more from the quarterly rate published in Treasury Decision 82-189 for the following countries. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following rates.

Brazil cruzeiro:	
November 22-25, 1982.....	\$0.004281
November 26, 1982.....	.004215
Finland markka:	
November 22, 1982.....	\$0.181357
November 23, 1982.....	.180620
November 24-25, 1982.....	.181357
November 26, 1982.....	.181686
Hong Kong dollar:	
November 26, 1982.....	\$0.149477
Japan yen:	
November 22, 1982.....	\$0.003927
November 24-25, 1982.....	.003989
November 26, 1982.....	.003997
Mexico peso:	
November 22, 1982.....	\$0.007407
November 23, 1982.....	.007491
November 24-25, 1982.....	.007519
November 26, 1982.....	.007353
Sweden krona:	
November 22, 1982.....	\$0.132582
November 23, 1982.....	.132494
November 24-25, 1982.....	.133067
November 26, 1982.....	.134138
United Kingdom pound:	
November 22, 1982.....	\$1.5940
November 23, 1982.....	1.5972
November 24-25, 1982.....	1.5955
November 26, 1982.....	1.5925

(LIQ-03-01 O:C:E)

Dated: November 26, 1982.

ANGELA DeGAETANO,  
*Chief,*  
*Customs Information Exchange.*

(T.D. 82-238)

## Foreign Currencies—Variances From Quarterly Rate

The following rates of exchange are based upon rates certified to the Secretary of the Treasury by the Federal Reserve Bank of New York, pursuant to Section 522(C), Tariff Act of 1930, as amended (31 USC 372(c)), and reflect variances of 5 per centum or more from the quarterly rate published in Treasury Decision 82-189 for the following countries. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following rates.

Brazil cruzeiro:	
November 29-30, 1982.....	\$0.004215
Finland markka:	
November 29, 1982.....	\$.183436
November 30, 1982.....	.183925
Japan yen:	
November 29, 1982.....	\$0.003994
November 30, 1982.....	.004013
Mexico peso:	
November 29-30, 1982.....	\$0.007407
Sweden drona:	
November 29, 1982.....	\$.134409
November 30, 1982.....	.135538
United Kingdom pound:	
November 29, 1982.....	\$1.6062

(LIQ-03-01 O:C:E)

Dated: November 30, 1982.

ANGELA DeGAETANO,  
*Chief,*  
*Customs Information Exchange.*

**ERRATUM**

Customs Bulletin, Volume 16, No. 48, dated December 7, 1982, should be dated "DECEMBER 1, 1982".

**ERRATUM**

In Customs Bulletin, Volume 16, No. 45, dated November 10, 1982, page 54 at the bottom, please insert this page after this line:

(R.S. 251, as amended, sec. 623, 46 stat. 759, as amended, etc.)

**PART 144—WAREHOUSE AND REWAREHOUSE ENTRIES AND  
WITHDRAWALS**

1. Section 144.1(b) is amended by removing the paragraph and marking it "Reserved".

2. § 144.22 is amended by revising it to read as follows:

**§ 144.22 Endorsement of transfer on withdrawal form.**

Transfer of the right to withdraw merchandise entered for warehouse shall be established by an appropriate endorsement on the withdrawal form by the person primarily liable for payment of duties before the transfer is completed, i.e., the person who made the warehouse or rewarehouse entry or a transferee of the withdrawal right of such person. Endorsement shall be made on whichever of the following withdrawal forms is applicable:

(a) Customs Form 7506 for merchandise to be withdrawn as vessel or aircraft supplies and equipment under §10.60(b) of this chapter, or other conditionally free merchandise;

(b) Customs Form 7512 for merchandise to be withdrawn for transportation, exportation, or transportation and exportation; or

(c) Customs Form 7505 for (i) a duty paid warehouse withdrawal for consumption or (ii) withdrawal with no duty payment (diplomatic use).

3. § 144.32 is amended by adding a new paragraph (c) and revising the section heading to read as follows:

**§ 144.32 Statement of quantity; charges and liens.**

(c) *Charges and liens.* Upon receipt of an application to withdraw merchandise the appropriate Customs officer shall determine whether there are any cartage, storage, labor, or any other charges due the Government in connection with the goods remaining unpaid or whether there is on file any notice of lien filed by a carrier. If there are no charges or liens or all charges and liens have been satisfied, and all other requirements of law or regulations have been met, the proprietors application to withdraw shall be approved.



# United States Court of International Trade

One Federal Plaza

New York, N.Y. 10007

*Chief Judge*

Edward D. Re

*Judges*

Paul P. Rao  
Morgan Ford  
Frederick Landis  
James L. Watson

Herbert N. Maletz  
Bernard Newman  
Nils A. Boe

*Senior Judge*

Samuel M. Rosenstein

*Clerk*

Joseph E. Lombardi



# Decisions of the United States Court of International Trade

## *Abstracts* *Abstracted Protest Decisions*

DEPARTMENT OF THE TREASURY, December 2, 1982.

The following abstracts of decisions of the U.S. Court of International Trade at New York are published for the information and guidance of officers of the Customs and others concerned. Although the decisions are not of sufficient general interest to print in full, the summary herein given will be of assistance to Customs officials in easily locating cases and tracing important facts.

WILLIAM VON RAAB,  
*Commissioner of Customs.*

DECISION NUMBER	JUDGE & DATE OF DECISION	PLAINTIFF	COURT NO.	ASSESSED Par. or Item No. and Rate	HELD		BASIS	ENTRY AND MERCHANDISE
					Par. or Item No.	and Rate		
P82/182	Rao, J. November 29, 1982	Fabius & Co., Inc	80-8-01263	Item 657.30 11% + 0.6¢ per lb. Item 654.05 7.5%	Item 657.30 and 654.05 Duty-free pursuant to GSP		Agreed statement of facts	New York Various copperware articles; products of eligible benefici- ary country
P82/183	Rao, J. November 29, 1982	F.W. Myers & Co., Inc	75-1-00064-S1	Item 608.05 0.3¢ per lb.	Item 608.02 Duty free		F.W. Myers & Co., Inc. v. U.S. (C.D. 4635 and/or C.D. 4872)	Champlain-Rouses Point (Og- densburg); Buffalo; Port Huron (Detroit) Sponge iron powders
P82/184	Rao, J. November 29, 1982	F.W. Myers & Co., Inc	80-12-00126	Item 608.05 0.3¢ per lb.	Item 608.02 Duty free		F.W. Myers & Co., Inc. v. U.S. (C.D. 4635 and/or C.D. 4872)	Buffalo-Niagara Falls (Buffalo); Champlain-Rouses Point (Og- densburg); Detroit Sponge iron powders
P82/185	Rao, J. November 29, 1982	Yamaha International Cor- poration	82-1-00073	Item 684.70 6.9%	Item 688.45 5.1%		Agreed statement of facts Customs letter issued 3/8/82 (CLA-2; CO: R: Cv: S 067590 SC)	Los Angeles Professional sound mixers; part of sound reinforcement system
P82/186	Ford, J. November 29, 1982	Act Young Imports, Inc., et al	80-11-00062, etc	Item 389.62 15% + 25¢ per lb.	Item 706.24 20%		J.E. Mamiye & Sons, Inc. v. U.S. (C.D. 4878, aff'd 11-19- 81)	San Juan Bags or tote bags
P82/187	Ford, J. November 29, 1982	A. N. Deringer for the ac- count of Stage Warehouse	79-11-01760	Item 772.15 or 174.60 8.5%	Item 666.00 Duty free		U.S. v. Miracle Exclusives, Inc., No. 81-17 (CCPA 12/30/81)	Champlain-Rouses Point (Og- densburg) Plastic germination trays

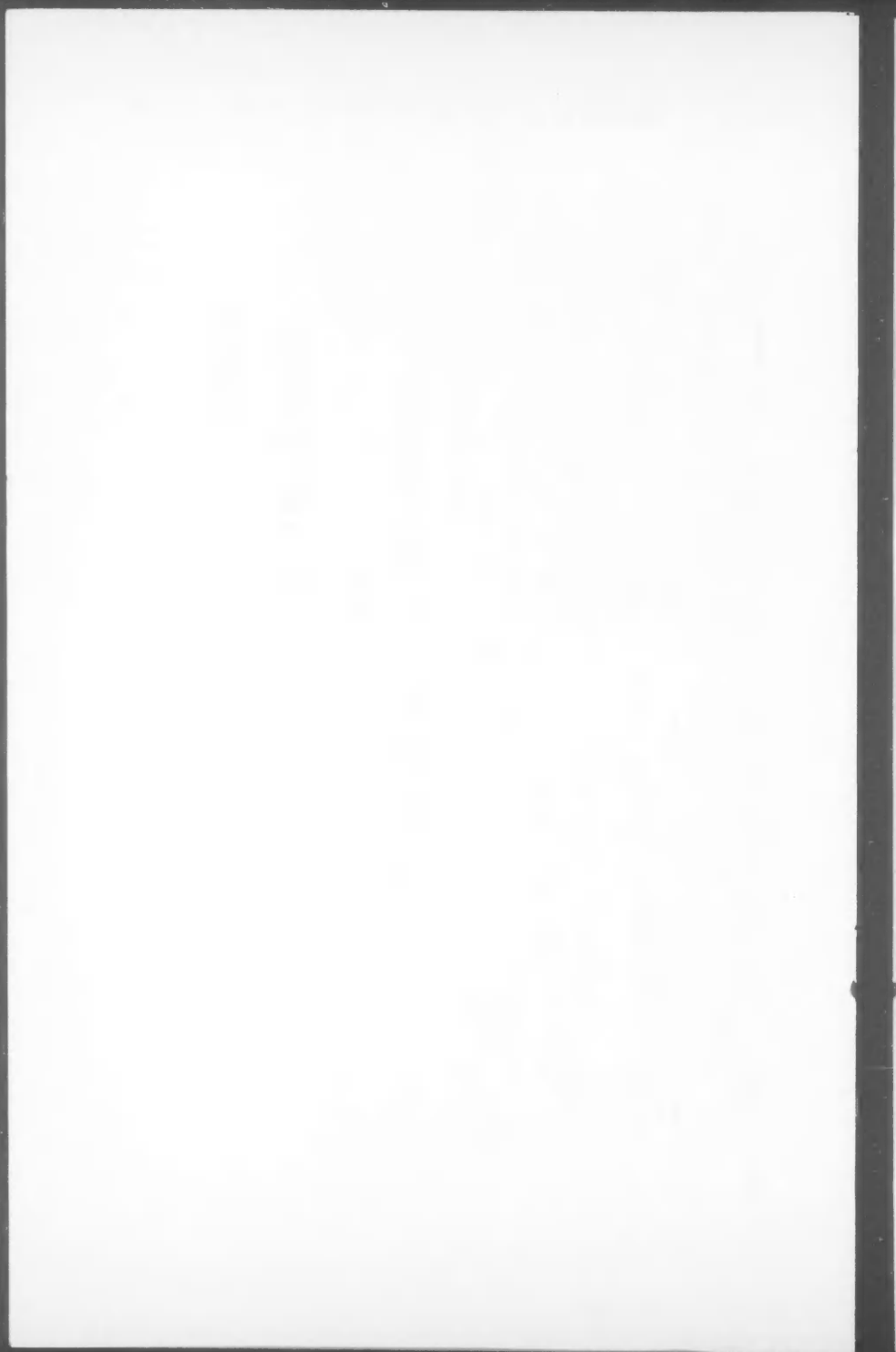
P82/188	Ford, J. November 29, 1982	A. N. Deringer for the ac- count of Miracle Exclu- sives, Inc	79-11-01761	Item 772.15 or 774.60 8.5%	Item 696.00 Duty free	U.S. v. Miracle Exclusives, Inc., No. 81-17 (CCTA 12/30/81)	Champlain-Rouses Point dennsburg/ Plastic germination trays	(Og- dennsburg)
P82/189	Ford, J. November 29, 1982	A. N. Deringer for the ac- count of Miracle Exclu- sives, Inc	80-10-01749	Item 772.15 or 774.60 8.5%	Item 686.00 Duty free	U.S. v. Miracle Exclusives, Inc., No. 81-17 (CCTA 12/30/81)	Champlain-Rouses Point dennsburg/ Plastic germination trays	(Og- dennsburg)
P82/190	Ford, J. November 29, 1982	Miracle Exclusives, Inc	76-11-02487	Item 772.15 or 774.60 8.5%	Item 666.00 Duty free	U.S. v. Miracle Exclusives, Inc., No. 81-17 (CCTA 12/30/81)	New York Plastic germination trays	
P82/191	Ford, J. November 29, 1982	Miracle Exclusives, Inc	77-3-00876	Item 772.15 or 774.60 8.5%	Item 666.00 Duty free	U.S. v. Miracle Exclusives, Inc., No. 81-17 (CCTA 12/30/81)	New York Plastic germination trays	
P82/192	Ford, J. November 29, 1982	Miracle Exclusives, Inc	78-2-00252	Item 772.15 or 774.60 8.5%	Item 666.00 Duty free	U.S. v. Miracle Exclusives, Inc., No. 81-17 (CCTA 12/30/81)	Champlain-Rouses Point dennsburg/ Plastic germination trays	(Og- dennsburg)
P82/193	Watson, J. November 29, 1982	Harper-Wyman Company	75-2-00424	Item 685.90 8.5%	Item 684.30 4%	Harper-Wyman Company v. U.S., Slip Op. 81-1 (CIT 1/9/ 81)	Brownsville (Texas) Parts of cooking stoves and ranges	
P82/194	Watson, J. December 1, 1982	Harper-Wyman Company	76-2-00820	Item 685.90 8.5%	Item 684.30 4%	Harper-Wyman Company v. U.S., Slip Op. 81-1 (CIT 1/9/ 81)	Brownsville (Texas) Parts of cooking stoves and ranges	
P82/195	Newman, J. December 1, 1982	Uniroyal, Inc	80-10-01738	Item 657.25 9%	Item 772.65 3.3%	Uniroyal, Inc., c/o A. N. Der- inger, Inc. (Abs. P80/89)	Champlain-Rouses Point dennsburg/ Rubber hose, pipe or tubing in various lengths with fittings	(Og- dennsburg)

# Decisions of the United States Court of International Trade

## *Abstracts* *Abstracted Reappraisement Decisions*

DECISION NUMBER	JUDGE & DATE OF DECISION	PLAINTIFF	COURT NO.	BASIS OF VALUATION	HELD VALUE	BASIS	PORT OF ENTRY AND MERCHANDISE
R82/637	Re, C.I. November 30, 1982	McDonnell Douglas Corp	R70/7547, etc.	Export value	Equal to 50% of appraised values Merchandise is properly dutiable as airplanes under item 694.40, TSUS, at 9% ad valorem	Agreed statement of facts	Los Angeles DC-9 aircraft
R82/638	Re, C.I. December 1, 1982	Laube Steel Co. of California	74-12-03371	Export value	Appraised values less non- dutiable charges relating to currency revaluation (if any) included therein	C.B.S. Importers Corp. v. U.S. (C.D. 4739)	Los Angeles Metal screws
R82/639	Re, C.I. December 1, 1982	New York Merchandise Co., Inc	79-4-00632	Export value	Appraised values less non- dutiable charges relating to currency revaluation (if any) included therein	C.B.S. Importers Corp. v. U.S. (C.D. 4739)	San Diego Not stated

R82/640	Watson, J. December 1, 1982	Compass Instrument & Optical Co., Inc	R59/4516, etc.	Export value	F.o.b. unit invoice prices plus 20% of difference between f.o.b. unit in- voice prices and ap- praised values	Agreed statement of facts	New York Binoculars
R82/641	Watson, J. December 1, 1982	Bruce Duncan Co., Inc., a/c Jerry Mann of California	R80/8288, etc.	Export value	F.o.b. unit invoice prices plus 20% of difference between f.o.b. unit in- voice prices and ap- praised values	Agreed statement of facts	Los Angeles Sweaters
R82/642	Watson, J. December 1, 1982	Empire Finding Co., Inc	R83/1374, etc.	Export value	F.o.b. unit invoice prices plus 20% of difference between f.o.b. unit in- voice prices and ap- praised values	Agreed statement of facts	New York Thermometers





## Judgments of the U.S. Court of International Trade in Appealed Cases

November 22, 1982

APPEAL 82-28—UNITED STATES CANE SUGAR REFINERS' ASSOCIATION  
v. SECRETARY OF AGRICULTURE—IMPORT QUOTAS—PRESIDENTIAL  
PROCLAMATION 4941—DECLARATORY AND INJUNCTIVE RELIEF—  
Slip Op. 82-44 affirmed on July 14, 1982.

November 26, 1982

APPEAL 82-3—GENERAL ELECTRIC COMPANY v. UNITED STATES—  
ELECTRONIC PACKS—AMPLIFIER PACKS—RADIO RECEIVERS—PARTS  
OF RADIO RECEIVERS—TSUS—Slip Op. 81-78 affirmed June 10,  
1982.

## Appeal to U.S. Court of Appeals for the Federal Circuit

APPEAL 83-578—THE COMMITTEE TO PRESERVE AMERICAN COLOR  
TELEVISION (AKA COMPACT) AND THE IMPORTS COMMITTEE, TUBE  
DIVISION, ELECTRONIC INDUSTRIAL ASSOCIATION *v.* THE UNITED  
STATES—28 USC 1581(i), RESIDUAL—Appeal Slip Op. 82-101, dock-  
eted November 24, 1982.

# International Trade Commission Notices

*Investigations by the U.S. International Trade Commission*

DEPARTMENT OF THE TREASURY, December 8, 1982.

The appended notices relating to investigations by the U.S. International Trade Commission are published for the information of Customs officers and others concerned.

WILLIAM VON RAAB,  
*Commissioner of Customs.*

In the matter of  
CERTAIN PLASTIC-CAPPED  
DECORATIVE EMBLEMS

Investigation No. 337-TA-121

## *Notice of Termination of Respondent*

AGENCY: U.S. International Trade Commission.

ACTION: Termination of investigation as to respondent John Brichetto, Sr.

SUMMARY: The Commission has terminated the above-captioned investigation as to respondent John Brichetto, Sr., on the basis of representations contained in a motion to terminate filed by respondents Marklyn Co., Inc., John Brichetto, Sr., and John Brichetto, Jr. Complainant and the Commission investigative attorney oppose the motion.

SUPPLEMENTARY INFORMATION: This investigation is being conducted under section 337 of the Tariff Act of 1930, 19 U.S.C. § 1337, and concerns alleged unfair trade practices in the importation into and sale in the United States of certain plastic-capped decorative emblems that allegedly infringe U.S. Letters Patent Nos. 4,100,010, 4,139,654, and 4,259,388. The motion to terminate the investigation with respect to John Brichetto, Sr., was based generally on the fact that John Brichetto, Sr., does not import the products in issue and the absence of a need for discovery from him. In addition, there are no allegations relating to deception of the public or harm or injury to the public.

Copies of the Commission's Action and Order and all other non-confidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

FOR FURTHER INFORMATION: Eliza Patterson, Esq., Office of the General Counsel, telephone (202) 523-0359.

By order of the Commission.

Issued: December 1, 1982.

KENNETH R. MASON,  
Secretary.

In the matter of  
CERTAIN AMINO ACID  
FORMULATIONS

} Investigation No. 337-TA-127

*Notice of Commission Decision not to Review Initial  
Determination*

AGENCY: U.S. International Trade Commission.

ACTION: Notice is hereby given that the Commission has determined not to review the presiding officer's initial determination to amend the notice of investigation to add Pfrimmer and Company of Erlangen, Federal Republic of Germany, as a respondent in the above-captioned investigation. Accordingly, as of December 2, 1982, the initial determination became the Commission's determination with respect to this matter.

AUTHORITY: The authority for the Commission's disposition of this matter is contained in section 337 of the Tariff Act of 1930 (19 U.S.C. § 1337) and in sections 210.53(c) and 210.53(h) of the Commission's Rules of Practice and Procedure (47 F.R. 25134, June 10, 1982; to be codified at 19 CFR §§ 210.53 (c) and (h)).

SUPPLEMENTARY INFORMATION: On October 25, 1982, complainants American Hospital Supply Corporation and Massachusetts General Hospital moved (motion No. 127-7) to amend the notice of investigation to add Pfrimmer as a respondent. On November 16, 1982, the presiding officer issued an initial determination granting motion No. 127-7 and amending the notice of investigation to add Pfrimmer as a respondent.

Pursuant to rule 210.53(h)(2), an initial determination of the presiding officer under rule 210.53(c) becomes the determination of the Commission 15 days from the date of service, unless the Commission orders review of the initial determination.

Having examined the record in this investigation, including motion No. 127-7, the papers filed in connection therewith, and the

initial determination of the presiding officer, the Commission has determined not to review the initial determination.

Copies of the initial determination and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

FOR FURTHER INFORMATION CONTACT: William E. Perry, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-0499.

By order of the Commission.

Issued: December 1, 1982.

KENNETH R. MASON,  
*Secretary.*

In the matter of	
CERTAIN TREADMILL JOGGERS	} Investigation No. 337-TA-134
	<i>Order No. 1</i>

Pursuant to my authority as Chief Administrative Law Judge of this Commission, I hereby designate Administrative Law Judge Donald K. Duvall as Presiding Officer in this investigation.

The Secretary shall serve a copy of this order upon all parties of record and shall publish it in the Federal Register.

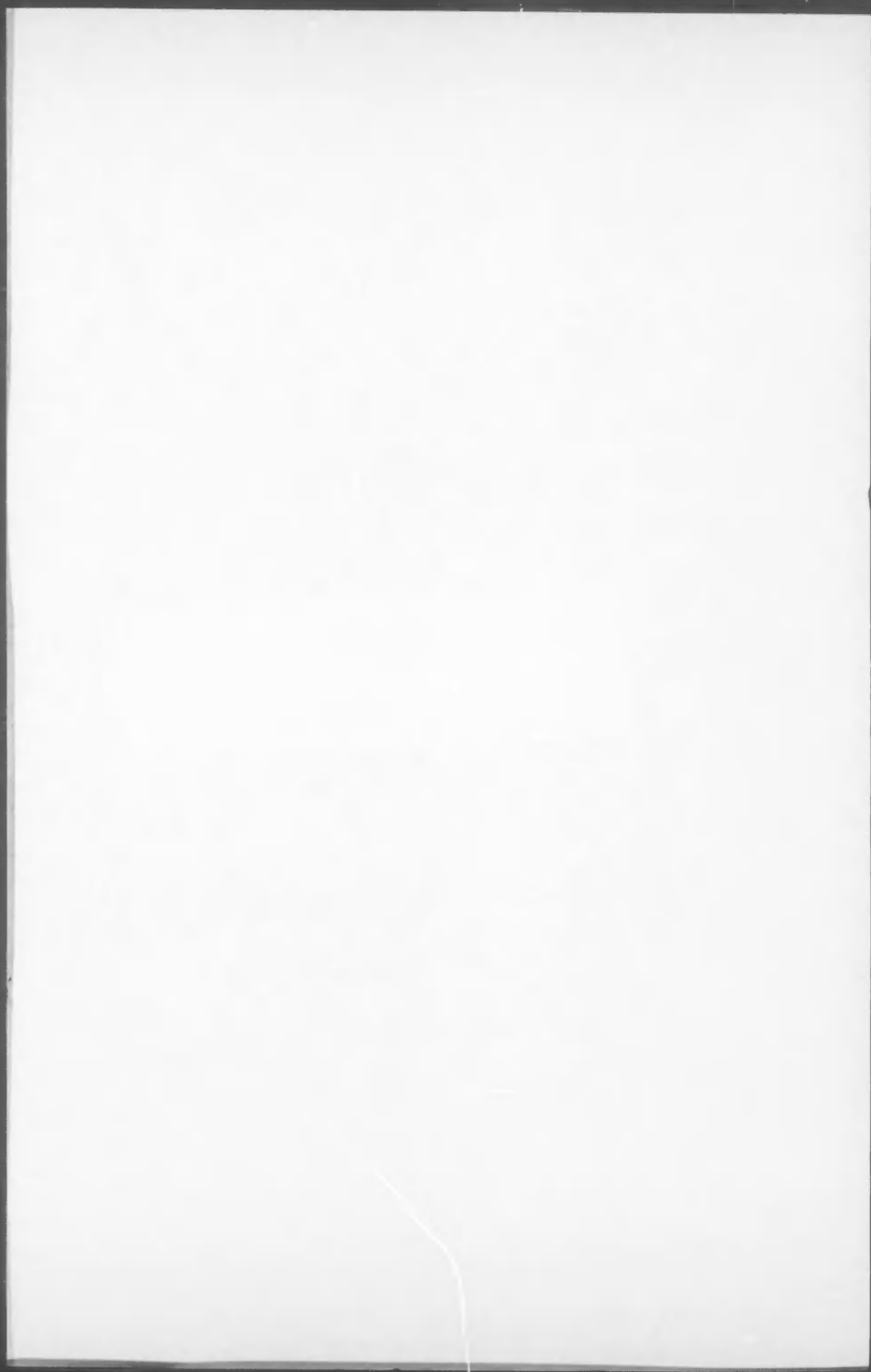
Issued: November 30, 1982.

DONALD K. DUVALL,  
*Chief Administrative Law Judge.*

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DEPARTMENT OF THE TREASURY  
U.S. CUSTOMS SERVICE  
WASHINGTON, D.C. 20229

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PENALTY FOR PRIVATE USE, \$300

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DEPARTMENT OF THE TREASURY (CUSTOMS)  
(TREAS. 552)



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